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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 ROBERT W. GARRISON,

11 Plaintiff,

12 v.

13 STATE OF WASHINGTON,  
14 DEPARTMENT OF CORRECTIONS, et  
15 al.,

16 Defendants.

CASE NO. C12-5396 BHS

ORDER DECLINING TO ADOPT  
REPORT AND  
RECOMMENDATION

16 This matter comes before the Court on the Report and Recommendation (“R&R”)  
17 of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 10), Plaintiff  
18 Robert W. Garrison’s (“Garrison”) response to the R&R and his request for additional  
19 time to file an amended complaint (Dkt. 11). The Court has considered the R&R and  
20 Garrison’s request for additional time to file an amended complaint, as well as the  
21 remaining record, and hereby declines to adopt the R&R and grants Garrison’s request  
22 for additional time to file an amended complaint.

1 On August 29, 2012, Judge Creatura issued an R&R recommending that this  
2 action be dismissed due to Garrison's failure to file an amended complaint as directed.  
3 Dkt. 10. On September 26, 2012, Garrison filed a response to the R&R requesting  
4 additional time to file an amended complaint. The Court **DECLINES to adopt** the R&R  
5 (Dkt. 10) as Garrison has shown good cause for additional time and will allow him to file  
6 an amended complaint on or before **November 15, 2012**.

7 **IT IS SO ORDERED.**

8 Dated this 15th day of October, 2012.

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11 BENJAMIN H. SETTLE  
12 United States District Judge  
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